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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 AARON GUERRERO,

Case No. 2:24-cv-00261-MMD-BNW

7 Plaintiff,

ORDER

8 v.

9 GABRIEL GRASSO,

10 Defendant.

11 *Pro se* Plaintiff Aaron Guerrero, currently incarcerated at High Desert State Prison  
12 in the custody of the Nevada Department of Corrections, attempted to initiate a lawsuit  
13 under 42 U.S.C. § 1983 but did not pay the filing fee or complete an application to proceed  
14 *in forma pauperis* ("IFP Application"). (ECF Nos. 1, 3.) Before the Court is the Report and  
15 Recommendation ("R&R") of United States Magistrate Judge Brenda Weksler (ECF No.  
16 7), recommending this case be dismissed without prejudice because Guerrero has still  
17 not paid the filing fee or submitted a complete IFP Application despite being given two  
18 more chances to do so. To date, no objections to the R&R have been filed. Because there  
19 is no objection, and as further explained below, the Court will adopt the R&R.

20 Because there is no objection, the Court need not conduct *de novo* review, and is  
21 satisfied that Judge Weksler did not clearly err. *See United States v. Reyna-Tapia*, 328  
22 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and  
23 recommendations is required if, but *only* if, one or both parties file objections to the  
24 findings and recommendations." (emphasis in original)). As mentioned, Judge Weksler  
25 gave Guerrero at least two more chances to either pay the filing fee or submit a complete  
26 IFP application (ECF Nos. 3, 6), but he did not timely comply (ECF No. 7). Having  
27 reviewed the R&R, Judge Weksler did not clearly err.

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1 It is therefore ordered that Judge Weksler's Report and Recommendation (ECF  
2 No. 7) is accepted and adopted in full.

3 It is further ordered that this case is dismissed, in its entirety, without prejudice.

4 The Clerk of Court is directed to close this case.

5 DATED THIS 28<sup>th</sup> Day of October 2024.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE